



# BCI Firearms Section Newsletter

November 2003

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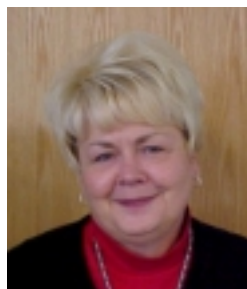
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## Newsletter Information

The purpose of the BCI newsletter is to provide dealers with information regarding firearm transfers. Changes in laws, policies, and procedures will be included, as well as answers to questions we receive from dealers. It is important that you read this newsletter and brief your staff on its contents. The newsletter is available electronically via email and on the web at <http://www.bci.utah.gov/CFP/CFNewsletter.html>. To add your business to our email list, contact Becky Clayton at (801) 964-4540 or [rclayton@utah.gov](mailto:rclayton@utah.gov) or contact Tess Kooring at (801) 964-4460 or [tkooring@utah.gov](mailto:tkooring@utah.gov).

## Comings and Goings

We have had many changes in Brady since last quarter. We have said goodbye to Jade, who was with us for nearly four years. Betty Jo has moved from Brady to the Firearms section, where she is now working on concealed firearm permits. To compensate for those we lost, we have a few new faces in the Brady section. Marcie, and Jessica are new to the Bureau, but Dallin has been with BCI for six years. He was previously in Brady, and then transferred to the Firearms section. He has recently transferred back into Brady, and we are happy that he has returned. Jan (pictured below) recently came to the bureau, but has since resigned from her position. We are sad to see her go, she is greatly missed.



## Brady Bunch



Joyce



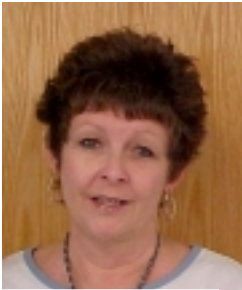
Ed



Marcie



Dallin



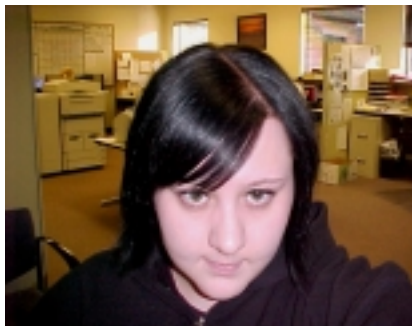
Sandy



Melanie



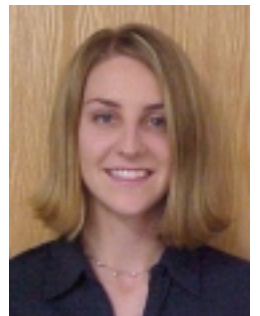
Jessica



Tess



Merrill



Becky

## Seminar

Our August seminar was a huge success. Over 100 Utah Federal Firearms Licensees attended, and everyone benefited a great deal from our speakers. We heard from representatives from the ATF, the Utah Attorney General's office, the US Attorney General's office, and the Department of Public Safety. Each speaker answered questions from the dealers, which everyone found to be extremely advantageous. For those who were unable to attend the seminar, we have included the questions and answers.

- Q. Is the Attorney General's office seeking reciprocal agreements with other states [concerning concealed firearms permits]?
- A. As of July, Utah recognizes concealed firearm permits from every other state with no time limitation (previously, permits were recognized for only sixty days). This means out-of-state permit holders may carry in Utah, but not purchase with the permit. There are three states with which Utah has official reciprocity: Arizona, South Dakota, and North Carolina. If you need to find out whether or not a certain state will recognize Utah permits, contact that state. BCI does not keep a list of these states as it changes frequently.
- Q. What if my customer has a PO box only, and no physical address?
- A. You may use the Identification with the PO box, but on the 4473 be sure the customer gives exact directions to his or her home.
- Q. When is it appropriate to use ATF's multiple sale form?
- A. Any time the customer purchases two or more handguns in a five day period. It is not necessary to use this form for long gun sales or pawn redemptions. No matter how many handguns are redeemed from pawn, it is not necessary to use the multiple sale form, as this is not an original sale.
- Q. If my customer wants more than three guns, how do I fill out the 4473 (which only fits three guns)?
- A. Write the information concerning the guns on a blank sheet of paper and attach it to the 4473.
- Q. Is information on denied persons being forwarded to Law Enforcement?
- A. Yes. It is forwarded on the local, state, and federal level. Many of these denied individuals are prosecuted.
- Q. What if an illegal gun comes into my store?
- A. Contact ATF immediately at (801) 524-7000.
- Q. What if a gun comes into my store that has an altered/obliterated serial number?
- A. Contact ATF immediately.

- Q. As a dealer, whose law am I supposed to follow—state or federal?
- A. Dealers are responsible for following Utah law, federal law, and also the law from the buyer's home state (if the buyer is not from Utah). This includes following waiting periods, if applicable. Twelve states have waiting periods:
1. California; 10 days
  2. Connecticut; 2 weeks: long guns
  3. District of Columbia; 48 hours: pistols
  4. Florida; 3 days: handguns
  5. Illinois; 72 hours: concealable; 24 hours: long guns
  6. Minnesota; 5 business days: pistols, assault weapons
  7. Pennsylvania; 48 hours
  8. Rhode Island; 7 days
  9. South Dakota; 48 hours (concealed permit holders exempt)
  10. Virgin Islands; 48 hours
  11. Washington; 5 days: pistols
  12. Wisconsin; 48 hours: handguns

### **Web-based Gun Checks**

If you would like to be able to run background checks on the Internet, contact Joyce Carter at (801) 965-3810 or [jcarter@utah.gov](mailto:jcarter@utah.gov) to request the application/waiver to set your company up. In addition to running background checks, you will be able to see all the checks your store has run in the last twenty days. This can help you in verifying your billing on a daily or weekly basis.

### **ATF Website**

The ATF online Federal Firearms Regulations Reference Guide Learning Theater is a great reference for questions regarding different types of firearms transactions. Go to <http://www.atf.gov/firearms/ffrrg/index.htm> and click on the link at the top of the page that says THEATER. There are eight learning theaters including Straw Purchase Attempt, Loan or Rental of Firearm, and Out of State Transaction. This is a very helpful resource for answering every day questions that arise.

### **Verifax Machines**

For those dealers who send background checks to BCI via the Verifax machine, please do not use it to send aliens or out-of-country births. These customers need to have an additional check performed through ICE (Immigration and Customs Enforcement) to ensure their legal status in the country. Call BCI for all checks that fit these criteria. The only exception to this is if your customer was born a US citizen in another country (usually the son or daughter of military personnel).

Please be sure that the primary form of ID on any background check is a driver license or state issued identification card. Do not use the social security number as any form of identification.

## Aliens

ATF Form 4473 has additional questions regarding customers who are aliens (immigrant and nonimmigrant). Please make sure your customers read, understand, and answer questions 12k, 12l, and 13. You as the transferor are responsible for answering 18b, and if applicable 18c. Per question 18b, **all aliens are required to produce 90 days proof of residency**. This can be done by using utility bills, lease agreements, or any other documentation showing residency of at least 90 days. See Instruction to Transferor 2. If your customer is a nonimmigrant alien, he or she must have a valid hunting license in order to purchase a firearm. This documentation shows an exception to the nonimmigrant alien prohibition; without it they will not be eligible for gun purchases. See instruction to Transferor 3.

## Prequalifications

Prequalifications may be called in only on those customers putting a gun into pawn, and want to be certain they can retrieve it later. Section A of Form 4473 must be completed, and there is still a charge of \$7.50. Do not run background checks on anyone who is not going to pawn a firearm. This includes background checks for employment purposes, or anyone who is simply curious about their background. BCI may be contacted for more information on these types of background checks. **There are no exceptions to this.**

## Antique Guns

76-10-501 (1)(a) "Antique Firearm" means any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system; and that was manufactured in or before 1898. This includes muzzle-loading rifles, shotguns, and pistols that are designed to use black powder and cannot use fixed ammunition. Antique firearms cannot be designed or redesigned for using rimfire or conventional centerfire fixed ammunition. This is the only type of gun that does not require a background check. **There are no exceptions to this.**

### 3<sup>rd</sup> Quarter Statistics

#### Monthly Totals 2003

			Reasons For Denial						
Month	Total	Denials	Felony	Domestic Violence	Juvenile	Warrant	Protective Order	Illegal Alien	Mental File
July	3857	105	19	25	9	33	14	4	1
August	4777	136	22	32	12	39	25	5	1
September	5780	196	34	64	15	44	20	18	1

#### 3<sup>rd</sup> Quarter 2002 - Comparison

			Reasons For Denial						
Month	Total	Denials	Felony	Domestic Violence	Juvenile	Warrant	Protective Order	Illegal Alien	Mental File
July	3665	98	21	22	8	28	18	1	0
August	4713	116	27	21	12	39	20	0	0
September	5646	122	23	19	17	43	16	3	0